

REMARKS

Claims 17-33 are currently pending, in the application. The Office has rejected claims 17-33 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office has rejected claims 17, 19, 21-25 and 28-32 under 35 U.S.C. § 102(e) as being anticipated by Worden (U.S. Pat. Pub. No. 2003/0149934; hereinafter “Worden”). Finally, the Office has rejected claims 18, 20, 26, 27 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Worden. The Office Action has been made non-final and is responsive to Applicant’s reply filed on or about July 1, 2008.

Rejection of Claims under 35 U.S.C. § 112, First Paragraph

The Office has rejected independent claims 17 and 25 asserting “the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed inventions.” (Office Action, page 2, section 3.) Applicant does not agree with the analysis made by the Office and respectfully traverses the analysis and the rejections based thereon.

In re Count 1:

The Office asserts “it is not recognized from the Specifications that a act of integrating 2 schemas takes place to yield a third model as recited.” (Office Action, page 2, section 3, paragraph 2.) Applicant disagrees with this assertion and contends that Applicant’s specification does indeed contain the requisite teachings to reasonably convey to one skilled in the art that Applicant indeed had possession of the claimed inventions at the time the present application was filed.

The specification teaches “the Wedge 10 acts as a server component to all other components ... by providing data from a physical data store 16.” (Paragraph 23.) “Each Wedge manages a single data structure for all its clients (who will be connected to the same name and instance).” (Paragraph 25). In these citations, the specification teaches the Wedge 10 provides data from a physical data store 16 to other software components or clients. The specification further teaches that data for all its clients is managed as a

single data structure. If data from multiple clients is managed by the Wedge and combined to create a new single data structure, then there had to be an integration of the data and schemas from the clients to create the new single data structure. The specification also teaches “The Wedge provides the ability for clients to add data to their data model and have it translated into formats and inserted into their own data model or the data model of other components connected to the same Wedge instance. This is specified in the schema.” (Paragraph 27.) Clearly, a schema is used as a guide for the integration. The specification further teaches that the Wedge uses “a single structure called a data document is used to store all data elements. The data document contains internally generated tags but the actual content is supplied by the client components.” (Paragraph 43.) The Wedge stores all data elements supplied by at least two client components into a single structure called a data document and the data document contains tags internally generated by the Wedge. The data document is the Wedge’s unique model containing the all the data supplied by all its clients and it was created by integrating the individual client models using schemas provided by the clients.

The claimed elements under rejection states “creating a third data model and a data storage in a data wedge by integrating the first schema and the second schema into the data wedge.” Clearly, the specification teaches a data Wedge having a single data structure that stores all the data elements from at least two client components and that schemas are used to define the data elements of each client component and to create the single data structure. With these teachings in mind, a person of ordinary skill in the art would reasonable conclude that the claimed elements in question are described in sufficient detail to establish that Applicant was in possession of the elements at the time this present application was filed. The Office’s rejection is therefore improper and Applicant requests that it be withdrawn.

In re Count 2:

The Office asserts “creating a first schema ...; creating a second schema ...”. According to the Specifications, the data Wedge receives schemas from users (see schema A, B – Fig. 1) and there is not a description therein that explicitly mentions about (the method/system being claimed as) a software capability to create the schema A or B

as mentioned above.” (Office Action, page 3, section 4, first paragraph.) Applicant disagrees with this assertion and contends that Applicant’s specification does indeed contain the requisite teaching to reasonably convey to one skilled in the art that Applicant had possession of the claimed inventions at the time the application was filed.

The specification teaches “a process flow of a software component or client, e.g., component A12, using the Wedge 10 is described with reference to Figure 2.” (Specification, paragraph 36.) A person of ordinary skill in the art would understand that a client used in this context is referring to a software component that is part of a client/server architecture. A client in this context refers to a software component using the Wedge (server) and not to a person or user. The specification further states, “In step 30, a client that uses the Wedge must first create a schema describing its logical data model.” (Id., paragraph 37.) The client as shown above is a software component and the specification distinctly teaches that it must first create a schema describing its own logical data model. One of the claimed elements under rejection states, “creating a first schema comprising the first data model of the first software component.” Clearly, the specification provides support for a software component called a client that creates a schema describing its own logical data model. In addition, the original application contained claims directed to both a method and system for the current invention. Thus, the specification, when filed, contained support for the elements as currently claimed.

A person of ordinary skill in the art would reasonable conclude that the claimed elements in question are described in sufficient detail to establish that Applicant was in possession of the elements at the time this present application was filed. The Office’s rejection is therefore improper and Applicant requests that it be withdrawn.

102(e) Rejection of Independent Claims by Worden

Because the Office asserted a 112 rejection for certain claim amendments, the Office states “no weight given to the step of integrating of 2 model schema to yield a third model.” (Office Action, page 10, section 9 (A).) However, as shown above the 112 rejection was improper and Applicant has requested that it be withdrawn. As stated in the prior reply, the prior art of record fails to show or suggest all of the current elements of Applicant’s claimed invention. For example, Worden does not show or suggest “creating

a third data model and a data storage in a data wedge by integrating the first schema and the second schema into the data wedge,” as required by Applicant. Since at least these elements are missing from Worden, a *prima facie* case of anticipation has not and cannot be established. The rejection is therefore improper and Applicant requests that it be withdrawn.

103(a) Rejection of the Dependent Claims

Claims depending from claims 18, 20, 26, 27 and 33 are allowable for at least the same reasons presented above. A *prima facie* case of obviousness cannot be established because Worden does not show or make obvious all the elements of Applicant’s claimed invention. The rejection is therefore improper and Applicant requests that it be withdrawn.

CONCLUSION

Applicant asks that the Office reconsider this application and allow all pending claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 14-0225.

Respectfully submitted,

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(Electronically Filed)

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